HERMAN & WHITEAKER, LLC

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ROCKVILLE, MD 20852

REDACTED FOR PUBLIC INSPECTION -- SUBJECT TO REQUEST FOR CONFIDENTIAL TREATMENT PURSUANT TO PROTECTIVE ORDER IN WC DOCKET NOS. 10-90, 07-135, 05-337, 03-109, GN DOCKET NO. 09-51, CC DOCKET NOS. 01-92, 96-45, WT DOCKET NO. 10-208 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

June 19, 2015

### Accepted / Filed

#### VIA HAND DELIVERY AND ECFS FILING

JUN 192015

Marlene H. Dortch, Secretar DOCKET FILE COPY ORIGINAL Federal Communications Commission 445 Twelfth Street, SW Washington, D.C. 20554

Federal Communications Commission Office of the Secretary

Re:

REQUEST FOR CONFIDENTIAL TREATMENT

Leaco Rural Telephone Cooperative, Inc., FCC Form 690 Annual Report, WT Docket No. 10-208

Dear Ms. Dortch:

Enclosed for filing are two copies of the redacted, public version of the Leaco Rural Telephone Cooperative, Inc. ("Leaco") 2015 Mobility Fund Phase I Annual Report ("Form 690") for Study Area Code ("SAC") 498009, census tract T35025000701. This redacted version of the Form 690 is also being filed electronically with the Federal Communications Commission ("FCC" or "Commission") via ECFS. The confidential version of the Form 690 is being filed today under separate cover, and include the confidential shapefiles that Leaco submitted to the Universal Service Administrative Company ("USAC") with the Form 690 through the filing in the Commission's MFI Geospatial Data Collection interface today.

Pursuant to 47 C.F.R. §§ 0.457 and 0.459 of the Commission's Rules, Leaco hereby requests that the Commission afford confidential treatment to and withhold from public inspection certain information included in and attachments to the confidential version of Leaco's Form 690, consistent with and pursuant to the confidential treatment provided in the

No. of Copies rec'd 0+1

### REDACTED FOR PUBLIC INSPECTION — SUBJECT TO REQUEST FOR CONFIDENTIAL TREATMENT

Leaco Rural Telephone Cooperative, Inc. FCC Form 690 Annual Report Request for Confidential Treatment Page 2 of 5

Commission's Third Protective Order in the above referenced docket, and in accordance with the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. Specifically, Leaco requests that the Commission afford confidential treatment to the following Form 690 information and attachments: Coverage and Performance Report, Project Status Description, and shapefile documents, which provide detailed information about the deployment of Leaco's competitive wireless telecommunications networks and related business plans (the "Confidential Information"). Leaco's Confidential Information meets the requirements for confidential treatment contained in the Commission's rules.<sup>2</sup>

Each page of the confidential version of the Form 690, Coverage and Performance Report, and Project Status Description is marked "CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE ORDER IN WC DOCKET NOS. 10-90, 07-135, 05-337, 03-109, GN DOCKET NO. 09-51, CC DOCKET NOS. 01-92, 96-45, WT DOCKET NO. 10-208 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION." Where confidential information is included, the relevant portions of the text are marked "[BEGIN CONFIDENTIAL] [END CONFIDENTIAL]." The shapefile documents have been filed electronically with the Commission's MFI Geospatial Data Collection interface today and have been marked as subject to a request for confidential treatment.

Each page of the redacted version of the Form 690 is marked "REDACTED FOR PUBLIC INSPECTION -- SUBJECT TO PROTECTIVE ORDER IN WC DOCKET NOS. 10-90, 07-135, 05-337, 03-109, GN DOCKET NO. 09-51, CC DOCKET NOS. 01-92, 96-45, WT DOCKET NO. 10-208 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION." Where confidential information has been removed, the relevant portions of the text is marked "[REDACTED]." The entire contents of the attachments to the Form 690, specifically the Coverage and Performance Report, Project Status Description, and shapefile documents, are confidential information and are wholly redacted in the redacted version.

Leaco submits the following information pursuant to Section 0.459 of the Commission's Rules:

(1) Identification of the specific information for which confidential treatment is sought.

<sup>&</sup>lt;sup>1</sup> See Connect America Fund et al., Third Protective Order, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, GN Docket No. 09-51, CC Docket Nos. 01-92, 96-45, WT Docket No. 10-208 et al., DA 12-1418 (rel. Aug. 30, 2012) ("Third Protective Order").

<sup>&</sup>lt;sup>2</sup> See 47 C.F.R. § 0.459.

### REDACTED FOR PUBLIC INSPECTION — SUBJECT TO REQUEST FOR CONFIDENTIAL TREATMENT

Leaco Rural Telephone Cooperative, Inc. FCC Form 690 Annual Report Request for Confidential Treatment Page 3 of 5

Leaco seeks confidential treatment of the Confidential Information, which provides details about Leaco's network deployment and related business plans. This information is competitively sensitive commercial and financial information and constitutes "confidential commercial information" under Exemption 4 of the FOIA, 47 U.S.C. § 552(b)(4). Accordingly, pursuant to Section 0.459(a) of the Commission's Rules, Leaco requests that such information not be made routinely available for public inspection.

(2) Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission.

The information is being provided to the Commission as part of the required annual report for Mobility Fund Phase I support through the Form 690.

(3) Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.

As noted above, the information contains competitively sensitive financial and commercial information. Competitors could use this information to gain an unfair competitive advantage.

(4) Explanation of the degree to which the information concerns a service that is subject to competition.

The confidential information being provided to the Commission involves telecommunications services provided by Leaco in competition with other carriers. Leaco is a provider of mobile broadband and voice services in a highly competitive industry. Leaco competes against other providers of broadband and voice services, including mobile services providers, incumbent local exchange carriers, as well as other competitive carriers. The presence of such competition and the likelihood of competitive injury threatened by release of the information provided by Leaco in connection with the Form 690 justify withholding the information from public disclosure.

(5) Explanation of how disclosure of the information could result in substantial competitive harm.

Competitors could use the disclosed information to gain an unfair advantage over Leaco. Specifically, competitors could use this information to learn of Leaco's network deployment and gauge the success of Leaco's marketing efforts and service packages, allowing competitors to adjust their marketing and pricing accordingly, to the detriment of Leaco. Competitors also could gain information regarding the performance of Leaco's mobile broadband and voice networks. Commission precedent has found this type of

### REDACTED FOR PUBLIC INSPECTION – SUBJECT TO REQUEST FOR CONFIDENTIAL TREATMENT

Leaco Rural Telephone Cooperative, Inc. FCC Form 690 Annual Report Request for Confidential Treatment Page 4 of 5

information to be competitively sensitive and withholdable under the FOIA exceptions. Specifically, the Commission has recognized that competitive harm can result from the disclosure of confidential business information that gives competitors insight into a company's costs, pricing plans, market strategies, and customers.

### (6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure.

Leaco has diligently prevented the unauthorized disclosure of the information, and has kept such information confidential within the company unless otherwise required to be disclosed pursuant to applicable governmental regulations.

## (7) Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.

The information has been disclosed to vendors who are subject to non-disclosure obligations and will be filed with the New Mexico Public Regulation Commission pursuant to the Commission's requirements for filing the Form 690. The Confidential Information will be filed confidentially with the New Mexico Public Regulation Commission.

# (8) Justification of the period during which the submitting party asserts that material should not be available for public disclosure.

The information regarding Leaco's commercial network deployment information and related business plans must be kept confidential until the public announcement of such information. Confidential treatment must be afforded for this information as long as it would provide a basis for Leaco's competitors to gain insight into Leaco 's business operations. At this time, Leaco cannot determine the exact date on which the information could no longer be used by competitors to Leaco's detriment.

### REDACTED FOR PUBLIC INSPECTION -- SUBJECT TO REQUEST FOR CONFIDENTIAL TREATMENT

Leaco Rural Telephone Cooperative, Inc. FCC Form 690 Annual Report Request for Confidential Treatment Page 5 of 5

#### CONCLUSION

For the above reasons, Leaco respectfully requests that the Commission withhold from public disclosure the proprietary commercial and financial information contained in the Confidential Information in the confidential version of the Form 690. In accordance with Section 0.459(g) of the Commission's rules, Leaco requests telephone and written notification from the Commission if the instant request is denied, so that it may file an Application for Review or request return of the confidential materials pursuant to Section 0.459(e).

Respectfully submitted,

Gregory W. Whiteaker

Counsel for Leaco Rural Telephone Cooperative, Inc.

**Enclosures** 

		nnual Reporting		FCC Form Approved by OMB OMB 3060-1185 Avg. Burden Estimate per Respondent: 18 Hours
<010>	Study Area	Code	498009	
<015>	Study Area	5927	Leaco Rural Telephone Cooperative,	Inc.
<020>	Program Ye	ear	2015	
<030>		ime: Person USAC should contact ions about this data	t Dale Snider	
<035>		lephone Number: the person identified in data line	5754334301 ext.	
<039>	Contact En	nail: e person identified in data line <0	030> dsnider@leaco.org	
<040>	Has the inf <041> <042>		ments filed with the Form 481 reporting	(Y/N) <040>
<050>	Carrier Co	ontact Information	(complete attached worksheet)	<050>
<060>	Coverage a	and Performance Report	(complete attached worksheet)	<060>
<070>	Urban Rate	e Comparability Certification	(complete attached certification)	<070>
<080>	Tribal Land	ds Reporting (y/n?) (Does this stu	udy area cover tribal lands? Yes or No)	$\circ \bullet$
			(if yes, complete the attached worksheet	(080>
<090>	Project Up	date Information	(complete attached worksheet)	<090>
<100>	Certification <101> <102>	ons Reporting Carrier Certification Agent Certification	(complete attached certification) (complete attached certification)	<101> <102>

#### Notice to Individuals Required by the Paperwork Reduction Act of 1995

OMB Control Number 3060-1185 (Annual Report for Mobility Fund Phase I Support, FCC Form 690 and Record Retention Requirements)
Notice to Individuals Required by the Paperwork Reduction Act of 1995

Public reporting burden for this collection of information is estimated to average 18 hours per response. Our estimate includes the time to read the instructions, look through existing records, gather and maintain required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, Office of Managing Director, AMD-PERM, Washington, DC 20554, Paperwork Reduction Act Project (3060-1185). Please DO NOT SEND COMPLETED FORMS TO THIS ADDRESS. You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number and/or we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-1185.

THIS NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

	lar Consau Form		PCC-Point 680 Approved by Chile Cliffic Corners No. 2050-1186 Aspe 2 clif
<010>	Study Area Code		498009
<015>	Study Area Name		Leaco Rural Telephone Cooperative, Inc.
<020>	Program Year		2015
<030>	Contact Name - Person USAC should contact regar		Dale Snider
<035>	Contact Telephone Number - Number of person ic		5754334301 ext.
<039>	Contact Email Address - Email Address of person in	dentified in data line <030>	dsnider@leaco.ord
Reporting	Carrier / Mobility Fund Phase 1 Winning Bidder		
<110>	FCC Registration Number	0001618008	
<111>	Filing Carrier Name	Leaço Rural Telepho	ne Cooperative, Inc.
<112>	Winning Bidder Carrier Name	Leaco Rural Telepho	ne Cooperative, Inc.
<113>	Street Address (or PO Box)	220 West Broadway	
<114>	City	Hobbs	TOTAL TOTAL STATE OF THE STATE
<115>	State	NM	
<116>	Zip-Code	88240	
<117>	Telephone Number	5754334303 ext.	
<118>	Fax Number		
<119>	Email Address	5754334354 sapplin@leaco.org	
Contact In <120> <121> <122> <123> <124> <125> <126> <127> <128>	if same as above, indicate in this box Name (First, MI, Last, Suffix) Filing Carrier Name Street Address (or PO Box) City State Zip-Code Telephone Number Fax Number Email Address	Sidney W. Applin Leaco Rural Telephor 220 Mear Broadway Hobbs NM 88240 5754334303 ext. 5754334354 sapplin@leaco.org	se Cooperative, Inc.
	d Agent Information if no agent, indicate in this box	~	
<130>	Name (First, MI, Last, Suffix)		
	Company		
<132>	Street Address (or PO Box)	-	
<133>	City		
<134>	State	V	
<135>	Zip-Code		
<136>	Telephone Number	1000	
<137>	Fax Number		
<138>	Email Address		

(dee) Co	retage and Performance Report	FCC Form 690; Approved by CM68 ONIA Control No. 3000-1185 Page 3 of 8
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<015>	Study Area Name	Leaco Rural Telephone Cooperative, Inc.
<020>	Program Year	2015
<030>	Contact Name - Person USAC should contact regarding this data	Dale Snider
<035>	Contact Telephone Number - Number of person identified in data line <030>	5754334301 ext.
<039>	Contact Email Address - Email Address of person identified in data line <030>	dsnider@leaco.org
<140>	Coverage and Performance Report Year 01/2014 - 12/2014	
	Coverage and Performace attachements	Combined_NM.zip, 489009_CPRe_Combined_NM.zip

	ke2>	<b>43&gt;</b>		1 600			43 1	445	***
State	County	Census Block	Resident Population per Census Block	Resident Population Newly Reached by Service	Total Resident Population Reached by Service	Road Miles per Census Block	Road Miles per Census Block Newly Reached	Total Road Miles covered per Census Block	Certify that Coverage and Performance is uploaded (Yes/no)
			9	ee attach	ed works	heet			
-	-						+		
		8	0	)			100		
		ige of Total			Percentage Road Miles of				

(670) Ur	san Rate Comparability Cortification Compilance	FCC Formation Approved by OMB OMB College No. add0-1189 Fogula 618
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<015>	Study Area Name	Leaco Rural Telephone Cooperative, Inc.
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<030>	Contact Name - Person USAC should contact regarding this data	Dale Snider
<035>	Contact Telephone Number - Number of person identified in data line <030>	5754334301 ext.
<039>	Contact Email Address - Email Address of person identified in data line <030>	dsnider@leaco.org

#### TO BE COMPLETED BY THE REPORTING CARRIER, IF THE REPORTING CARRIER IS FILING CERTIFICATION DATA ON ITS OWN BEHALF:

C	ertification of Officer or Er	nployee as to Compliance with 47 CFR §54.10	009(a)(4)
certify that I am an officer or employee of form and in any attachments is accurate.	the reporting carrier; my respo	onsibilities include ensuring compliance with 47 CFR	§54.1009(a)(4), the information reported on this
Name of Reporting Carrier: Leac	o Rural Telephone Cooperat	tive, Inc.	
Signature of Authorized Officer:	CERTIFIED ONLINE		Date 06/19/2015
Printed name of Authorized Officer:	Dale Snider		
Title or position of Authorized Officer:	Chief Financial Officer		
Telephone number of Authorized Officer:	5754334301 ext.		
Study Area Code of Reporting Carrier:	498009	Filing Due Date for this form: 07/01/201	5

#### TO BE COMPLETED BY THE REPORTING CARRIER, IF AN AGENT IS FILING CERTIFICATION DATA ON THE CARRIER'S BEHALF:

certify that (Name of Agent) arrier. I also certify that I am an officer or employee of the repo uthorized agent; and, to the best of my knowledge, the reports	is authorized to submit the information reported on behalf of the reporting orting carrier; my responsibilities include ensuring compliance with 47 CFR §54.1009(a)(4) reported to the and data provided to the authorized agent is accurate.
ame of Authorized Agent:	
ame of Reporting Carrier:	
gnature of Authorized Officer or Employee:	Date:
rinted name of Authorized Officer or Employee:	
tle or position of Authorized Officer or Employee:	
elephone number of Authorized Officer or Employee:	
tudy Area Code of Reporting Carrier:	Filing Due Date for this form:

#### TO BE COMPLETED BY THE AUTHORIZED AGENT:

Certification of Agent Authoriz	ed to File Compliance with 47 CFR §54.1009(a)(4) on Behalf of Reporting Carrier		
as agent for the reporting carrier, certify that I am authorized to submit the certification on behalf of the reporting carrier; I have provided the data reported herein based on			
data provided by the reporting carrier; and, to the best of m	y knowledge, the information reported herein is accurate.		
Name of Reporting Carrier:			
Name of Authorized Agent or Employee of Agent:			
Signature of Authorized Agent or Employee of Agent:	Date:		
Printed name of Authorized Agent or Employee of Agent:			
Title or position of Authorized Agent or Employee of Agent			
Telephone number of Authorized Agent or Employee of Agen	t:		
Study Area Code of Reporting Carrier:	Filing Due Date for this form:		

	Lands Reporting			FCC Floring 680
				Approved by CA48 OA46 Centrol No. 3060-1385
(4. (A)				Rage 6 of 8
<010>	Study Area Code		498009	American de la companya del companya de la companya del companya de la companya d
<015>	Study Area Name		Leaco Rural Telephone Coo	operative, Inc.
<020>	Program Year  Contact Name - Person USAC should contact regarding to	this data	2015 Dale Snider	
<035>	Contact Telephone Number - Number of person identifi			
<039>	Contact Email Address - Email Address of person identif			
<142>	State			
<143>	County			
<144>	Tribal Land(s) on which ETC Serves			
<145>	Tribal Government Engagement Obligation	Name of Attached	Document ( add)	
		Nome of Attached	oocument (.paj)	
	If your company serves Tribal lands, please select (Yes, leach of these boxes to confirm the status described on PDF, on line 145, demonstrates coordination with the T government pursuant to § 54.1004 includes:	the attached	e) for	
<146>	Needs assessment and deployment planning with a foo	us on Tribal	Select (Yes, No, Not Applicable)	
-4.47-	community anchor institutions;			
<147>	Feasibility and sustainability planning;			
<148>	Marketing services in a culturally sensitive manner;			
<149>	Compliance with Rights of way processes			
<150>	Compliance with Land Use permitting requirements			
<151>	Compliance with Facilities Siting rules			
<152>	Compliance with Environmental Review processes			
<153>	Compliance with Cultural Preservation review processes	5		
<154>	Compliance with Tribal Business and Licensing requirem			

(098) Project	Updata Information	FCC form 690 Approved by GMS
		CIMBICONUM No. 3060-7135
		Foge traffs
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<020>	Program Year	2015
<030>	Contact Name - Person USAC should contact regarding this data	Dale Snider
<035>	Contact Telephone Number - Number of person identified in data line <030>	5754334301 ext.
<039>	Contact Email Address - Email Address of person identified in data line <030>	dsnider@leaco.org
<200>	Date Authorized to Receive Support	06/07/2013
<201>	Targeted Completion Date	03/31/2015
<202>	Total Mobility Fund Support Awarded	1868.61
<203>	Total Mobility Fund Support Disbursed	622.87
<210>	Actual Completion Date	10/01/2013
<211>	Project Status Description (attached)	498009_PSD_NM.pdf
		{Name of PDF attached}
	Please check these boxes below to confirm that the attached PDF, on line	
	211, contains a project status pursuant to §54.1005(b)(2)(v). The information	
	shall be submitted as appropriate.	
<212>	Status of Network Deployment - Network Design	
<213>	Status of Network Deployment - Construction	
<214>	Status of Network Deployment - Deployment	
<215>	Status of Network Deployment - Maintenance	
<216>	Project Budget Status	~
<217>	Project Plan Status	~
<218>	Certify Network will Support 3G/4G Mobile Service (Yes / No)	<b>⊙</b> ○

(100) Cer	Mirelian - Reporting Cardler	PCE Perm 890 Approved by OMB CME Control No. 3060-1125 Page 7 of 8
<010>	Study Area Code	498009
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<035>	Contact Telephone Number - Number of person identified in data line <030>	5754334301 ext.
<039>	Contact Email Address - Email Address of person identified in data line <030>	dsnider@leaco.org

#### TO BE COMPLETED BY THE REPORTING CARRIER, IF THE REPORTING CARRIER IS FILING ON ITS OWN BEHALF:

certify that I am an officer of the reporting carrier; my responsibilities include ensuring the accuracy of the reporting requirements for Mobility Fund recipients; and, to the best of my knowledge, the information reported on this form and in any attachments is accurate.				
Name of Reporting Carrier: Leaco Rural Telephone Coope	erative, Inc.			
Signature of Authorized Officer: CERTIFIED ONLINE	Date 06/19/2015			
Printed name of Authorized Officer: Dale Snider				
Title or position of Authorized Officer: Chief Financial Off	ficer			
Telephone number of Authorized Officer: 5754334301 ext.				
Study Area Code of Reporting Carrier: 498009	Filing Due Date for this form: 07/01/2015			

(503) Co.	Silenton - Agest / Carder	COC FORM SIGNA Approved by STANA CAND Control Fig. (BOSG-1385) Page 8 1088
<010>	Study Area Code	498009
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<020>	Program Year	2015
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<035>	Contact Telephone Number - Number of person identified in data line <030>	5754334301 ext.
<039>	Contact Email Address - Email Address of person identified in data line <030>	dsnidereleaco.org

#### TO BE COMPLETED BY THE REPORTING CARRIER, IF AN AGENT IS FILING ON THE CARRIER'S BEHALF:

I certify that (Name of Agent)					
Name of Authorized Agent:					
Name of Reporting Carrier:					
Signature of Authorized Officer:	Date:				
Printed name of Authorized Officer:					
Title or position of Authorized Officer:					
Telephone number of Authorized Officer:					
Study Area Code of Reporting Carrier:	Filing Due Date for this form:				

#### TO BE COMPLETED BY THE AUTHORIZED AGENT:

Certification of Agent Authorized to File for Mobility Fund Recipients on Behalf of Reporting Carrier  I, as agent for the reporting carrier, certify that I am authorized to submit the reports for Mobility Fund recipients on behalf of the reporting carrier; I have provided the data reported herein based on data provided by the reporting carrier; and, to the best of my knowledge, the information reported herein is accurate.					
Name of Authorized Agent or Employee of Agent:					
Signature of Authorized Agent or Employee of Agent:		Date:			
Printed name of Authorized Agent or Employee of Agent:		and the second s			
litle or position of Authorized Agent or Employee of Agen	nt				
Telephone number of Authorized Agent or Employee of A	Agent:				
Study Area Code of Reporting Carrier:	Filing Due Date for this form:	•			

### **Attachments**

[REDACTED]